

United States District Court
for
Middle District of Tennessee

Report on Offender Under Supervision

Name of Offender: Michael Wayne Johnson Case Number: 3:08-00245
Name of Sentencing Judicial Officer: Honorable Robert L. Echols, U.S. District Judge
Date of Original Sentence: June 21, 2010
Original Offense: 18 U.S.C. § 1029(a)(5), Access Device Fraud and 18 U.S.C. § 1028(a)(1),
Aggravated Identity Theft
Original Sentence: 30 months' custody followed by 3 years' supervised release
Type of Supervision: Supervised Release Date Supervision Commenced: December 7, 2011
Assistant U.S. Attorney: Sandra Moses Defense Attorney: David Heroux

THE COURT ORDERS:

- ☒ No Action
☐ The Issuance of a Warrant
 ☐ Sealed Pending Warrant Execution
 (cc: U.S. Probation and U.S. Marshal only)
☐ The Issuance of a Summons
☐ Other

Considered this 22nd day of Sept., 2013,
and made a part of the records in the above case.



Aleta A. Trauger
U.S. District Judge

I declare under penalty of perjury
that the foregoing is true and correct.
Respectfully submitted,



Kara Sanders
U.S. Probation Officer

Place Nashville, Tennessee

Date September 13, 2013

ALLEGED VIOLATIONS

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation No.</u>	<u>Nature of Noncompliance</u>
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| 1. | <u>The defendant shall not purchase, possess, use, distribute, or administer any controlled substance, except as prescribed by a physician.</u> |
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On August 29, 2013, Mr. Johnson reported for a drug test and tested positive for cocaine. He denied using cocaine and the urine sample was sent to the lab for confirmation. Alere Laboratories confirmed the specimen was positive for cocaine.

On September 3, 2013, Mr. Johnson, took another drug test and, again, tested positive for cocaine. He admitted to lying previously and using cocaine on or about August 28, 2013. He reported he went to a bar after work and was drinking alcohol and used cocaine with a female associate.

U.S. Probation Officer Kara Sanders contacted Mr. Johnson's counselor at the Middle Tennessee Treatment Center, where Mr. Johnson receives methadone treatment, who recommended Mr. Johnson's treatment increase from monthly to weekly to address his substance abuse use.

Mr. Johnson has reported as directed for all drug tests. He tested negative for illegal drugs from February 2012 to July 2013.

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| 2. | <u>The defendant shall pay restitution to the victims identified in the Criminal Monetary Penalties section of this Judgment in an amount totaling \$3,267.79. Should there be an unpaid balance when supervision commences, the Defendant shall pay the remaining restitution in monthly installments in an amount recommended by the Probation Office and approved by the Court, but the minimum monthly rate shall not be less than 10 percent of Defendant's gross monthly income.</u> |
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Mr. Johnson has not made a restitution payment since June 2013. He has made a total of seven payments during his nineteen months of supervision. To date his restitution balance is \$3,152.79. U.S. Probation Officer Kara Sanders has instructed him on multiple occasions to comply with the Court's condition to pay restitution.

Mr. Johnson has been continuously employed since December 2011.

Compliance with Supervision Conditions and Prior Interventions:

Mr. Johnson began his term of supervised release on December 7, 2011. His supervision is scheduled to expire on December 6, 2014.

In January 2012, the Court was notified of Mr. Johnson's excessive alcohol use and use of cocaine, opiates, benzodiazepine, and oxycodone. The Court took no action as recommended by the probation officer and allowed him to seek substance abuse treatment. Mr. Johnson voluntarily enrolled in the substance abuse program with Room at the Inn, in Nashville, Tennessee. He resided at this program from January 2012 to February 2013. In February 2013, he completed the program and secured his own apartment.

In February 2012, Mr. Johnson began outpatient treatment with the Middle Tennessee Treatment Center, in Nashville, Tennessee, where he began a methadone maintenance treatment program. He sought this treatment on his own and until August 2013, he complied with all treatment recommendations.

Mr. Johnson was employed with the Veterans Administration hospital from November 2011 to May 2013. He changed employment in May 2013, to Howard Moore Painting Inc. for a better paying position. Mr. Johnson was recently promoted to crew leader in August 2013.

U.S. Probation Officer Recommendation:

It is respectfully recommended that no action be taken at this time and Mr. Johnson be allowed to continue to take advantage of substance abuse treatment and continue on supervision. However, these violations may be considered in the future, if necessary. Any future violations or positive drug tests will be promptly reported to the Court.

The U.S. Attorney's Office concurs with the probation officer's recommendation.

Approved:



Britton Shelton
Supervisory U.S. Probation Officer